



Tennessee Board of Dentistry

Newsletter

Spring 2001

A regulatory agency of the State of Tennessee

Vol. 1, No. 2

Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010

• www.state.tn.us/health

RULEMAKING STATUS REPORT

Board To Establish Higher Standards

The Board, at its January meeting, voted to send to rulemaking hearing amendments and/or new rules. Two rulemaking hearings, both scheduled for April 23, 2001 at 2:30 p.m., Central Time, in the Magnolia Room of the Cordell Hull Building, will include, but not be limited to the following topics:

- Conscious Sedation, Conscious (intravenous) Sedation, Deep Sedation/General Anesthesia, Continuing Education, and Fees relative to these topics. In addition, several new rules have been proposed which will apply to all licensees, including rules to govern medical records, patient (adult and pediatric) rights, universal precautions, and the reporting of injury/mortality.
- Fee Increases and Continuing Education requirements relative to all professions.

Continued on page 2

ACCESS TO MEDICAL RECORDS BY PATIENTS AND/OR LEGAL GUARDIAN

The Board's Office receives numerous inquiries from practitioners and patients each month regarding medical records. T.C.A. §63-2-101 and 102 govern patient records in the dental office. The statute regulates fee assessment and sets time limitations to comply with requests. A copy of the statute may be obtained by visiting the Board's website. ☺

PRACTITIONER PROFILES

Department Checking For Updates

Do you need to update your Practitioner Profile? The Department is randomly checking to see if dentists are updating their Profiles.

The law that required you to file a Profile Questionnaire also requires you to UPDATE your profile! If the information you were required to submit has changed, you must submit notification *in writing* of that change to the Department of Health within 30 days of the change. The statute also subjects you to disciplinary action for failure to provide timely updates to the Department.

In order to update your profile, you may download an additional profile questionnaire form from the Board's web page under "Applications and Instructions" and enter only the information you wish to change, or download a copy of your current information from the internet and make corrections to a copy of your actual practitioner profile.

To download information from the Board's website, you must have Acrobat Reader installed on your system. If you do not already have Acrobat Reader, a free copy of the program is available at the Board's website by following the installation commands.

Mail amendments to: Healthcare Provider Information Manager, Tennessee Department of Health, Division of Health Related Boards, 1st Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010. ☺

REMEMBER: Report all Changes of Address (in writing) to the Board's Office within 30 days!

DISCIPLINARY ACTIONS

Taken January, 2001

Dietz, Michael W. – License No. DS-2839

Unprofessional conduct and personal misuse of and relapse due to cocaine. Board reinstated license after rehabilitation and ordered Probation. The Board's Order of Probation will coincide with the probation order issued by the Criminal Court, including the monitoring of random drug screens. The Respondent must also submit quarterly reports to the Board and maintain a contract with and advocacy of the Concerned Dentists' Committee of the TDA. Assessed a civil penalty of \$1,000.

Meadows, Jeffrey R. – License No. DS-4220

REPRIMANDED for issuing prescriptions in name of office's receptionist which were billed to receptionist's insurance company; Respondent then obtained prescriptions from pharmacy without knowledge of receptionist.

Stapleton, Roy S. – License No. DS-4446

Unprofessional conduct related to submission of false claims for payment of dental procedures not performed or not performed timely so as to prevent further dental consequences to the patients. Placed on Probation for three years, ordered to complete a course in ethics and jurisprudence, and assessed \$4,500.

Taken February, 2001

Golladay, Jeffrey F. – License No. DS-4006

Unprofessional, dishonorable and unethical conduct and gross malpractice related to the care and treatment of, including the rendering of emergency care to, a patient. License REVOKED. Respondent was assessed civil penalties of \$4,000. ☹

WELCOME! NEWEST BOARD MEMBER

Betty Gail Fox, R.D.A., was appointed by Governor Don Sundquist in October, 2000 to fill the Registered Dental Assistant position on the Board. Her first Board meeting was January, 2001, and she again served at the called Board meeting held in February.

Ms. Fox received her dental assisting education at Tennessee Technology Center in Knoxville. She holds certification from the Dental Assisting National Board and has practiced dental assisting in general and specialty offices for over 20 years.

Ms. Fox has been an active member in the Second District Dental Assistants Association, the Tennessee Dental Assistants Association, and the American Dental Assistants Association since 1979. Currently, she serves as Co-Chairman of the 2001 TDAA Convention to be held in Knoxville in May.

She is active in civic and community affairs in the Seymour area, where she spends any free time with her two sons who are both actively involved in school and sporting events. ☺

RULEMAKING STATUS REPORT

Board To Establish Higher Standards

Continued from page 1

In March 2001, the Board mailed letters to each licensee and registrant to inform them about the proposed rules. The letter also advised the licensees and registrants that the rules could be viewed at the Board's website. [Normally, this is not done due to the text being published in the Tennessee Administrative Register (or "TAR"), as required by law. However, the proposed changes to the regulations on conscious sedation and general anesthesia exceeded the number of printable pages for the TAR. Therefore, a summary had to be filed for TAR publication that could not fully reflect the proposed changes.]

The Board will not be present at the rulemaking hearing, but the public is invited to attend. Written comments may be received before the deadline day, or April 23rd, by forwarding written comments to Jerry Kosten, Regulations Manager, Division of Health Related Boards, Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010.

The Board, at its May 2001 meeting, will consider each comment submitted and issue a collective response, in writing, to the person or organization that submitted the response. At this meeting, the Board may modify its rules, vote to send the rules forward through the rulemaking process, or reject the rules. Modifications which place additional requirements on practitioners, or could not reasonably be contemplated under the proposed rules, will necessitate additional notice of rulemaking and an opportunity for comment. ☺

INTERNET PROVIDES ACCESS TO STATUS OF LICENSES AND ADDRESSES

Internet access has become a major tool in verifying licensure or registration status for the employment of dental practitioners, and insurance companies are checking the internet as well.

More and more, the public is accessing the Board's website to verify the status of a dentist, and the Board's Office is seeing some activity in the public's checking of dental hygienists and dental assistants. This demonstrates an increased awareness on behalf of the public of the patient's ability to research their choice or available choices of practitioners for their dental care, including the public's heightened interest in auxiliary employees.

At the Board's website, you can ascertain your licensure status and that of your employer (and employees). In addition to licensure status and renewal dates, the Board's website contains the address you have on file with the Board, disciplinary history, applications, and change of address/name forms. ☺

NEW CORONAL POLISHING MODIFIERS ADDED EFFECTIVE JANUARY, 2001

Registered dental assistants ("RDA") who, having been currently registered with the Board for one year immediately preceding course approval application, may apply to the Board to take a Board-approved coronal polishing course by submitting a Coronal Polishing Course Approval Application. Permission to apply to a coronal polishing course will be granted by letter from the Board, if the RDA meets certain criteria. This letter will now be mailed to the RDA applicant and to the RDA's program of choice, as indicated on the Course Approval Application. The program of choice will issue an application to the RDA who must still apply directly to the course program.

Currently, the approved coronal polishing courses are offered by or through UT-Memphis, Chattanooga State Technical Community College, and East Tennessee State University.

After course completion, application must be made to the Board's Office to sit for the written and clinical examinations. Examinations are administered in January and September of each year. Coronal polishing authority must be clearly indicated on the RDA's Renewal Certificate in order for the RDA to perform coronal polishing.

The following registered dental assistants have successfully passed the written and clinical examinations conducted by the Board on January 20th and have been approved by the Board to perform coronal polishing, as follows:

Beadle, Leslie - # 6533
Bryant, Theresa - # 7521
Butler, Amy Rebecca - # 7433
Choate, Robi - # 5509
Davis, Barbara - # 1781
Dickens, Terri - # 7894
Dierden, Melissa - # 6908
Donegan, Christine - # 3568
Donovan, Marion - # 7707
Dove, Lorie - # 7784
Earheart, Kimberly - # 7856
Favors, Amanda - # 7591
Free, Christina - # 7604
Frey, Jan - # 7609
Gaddes, Emily - # 7967
Ganus, Kimberly - # 7473
Garland, Marcie - # 3632
Griffin, Lisa - # 7957

Harris, Amy - # 7041
Hindman, Pamela - # 7241
Holmes, Jenetta - # 7999
Hoskins, Cherry - # 7670
Johnson, Paula - # 7918
Lamb, Kathy - # 1782
Long, Casey - # 7870
McGavin, Tammy - # 7750
McMahan, Julie - # 6192
Payne, Crystal - # 8000
Reeves, Leisa - # 6087
Roach, Joni - # 302
Rogers, Rebecca - # 7755
Self, Angela - # 7779
Stanton, Candace - # 6450
Teffeteller, Helen - # 1738
Waller, Marla - # 7249
West, Penny - # 4206

Employers: Please verify authorization to perform coronal polishing by inspecting the RDA's official Renewal Certificate, or accessing the Department's automated telephone system at 1-888-310-4650 (follow the procedures found in this issue at "Telephone System Key to Verifying Credentials of Employees," page 5). ☺

REFERENCE NUMBERS FOR THE BOARD

Phone Number: 1-888-310-4650, ext. 25073
Fax Number: 615-532-5369

SCHEDULE OF JURISPRUDENCE EXAMINATIONS

The Jurisprudence Examination will be administered by the Board on the following dates and at the following locations:

April 20 – Board's Office in Nashville
May 18 – Roane St. Community College
May 24 – UT-Memphis
May 31 - Meharry

Please contact the examination site or the Board's Office for exact times and locations. Scores will be provided in writing within two to three weeks of the examination to those examinees who fail the exam. The examination may also be taken by appointment at the Board's Office. ☺

FDA ALERT: LEAD CONTAMINATION*

"This is to notify you of the potential for harmful lead exposure from dental films stored in containers lined with unpainted lead. We believe that there may be hundreds of these lead-lined boxes currently being used to store dental films. Some of them may have been in use for decades. Most of these boxes are the size and shape of shoe-boxes, made of wood, and lined with lead that has apparently not been painted or coated.

Dental films stored in these boxes have been found to be coated with a whitish film that is about 80% lead. In many cases there are highly dangerous levels of lead on the films, enough to potentially cause serious adverse health effects in patients and health care professionals. These adverse health effects include anemia and serious neurological damage.

You may obtain more information about public health concerns related to lead from the OSHA website:

<http://www.osha-slc.gov/SLTC/lead/index.html>

What you should do

- **Discard any dental film that has been put in these boxes. None of that film should be used. Wiping the film does not significantly reduce the lead levels.**
- **Remove these boxes and dispose of them properly. THE OLD BOXES CANNOT BE MADE SAFE by painting, coating or lining them.** Scrap lead should be discarded according to EPA regulations. You may call the EPA's RCRA hotline at 1 (800) 424-9346 and speak to a representative to find your State's lead disposal requirements.
- **Make it a practice to store your dental film according to the manufacturer's instructions.**

Reporting adverse events to FDA: If you have experienced problems with dental devices or dental device malfunctions, you can report this directly to the manufacturer. Alternatively, you can report directly to MedWatch, the FDA's voluntary reporting program. You may submit reports to MedWatch four ways: online to <http://www.accessdata.fda.gov/scripts/medwatch/>; by telephone at 1-800-FDA-

1088; by FAX at 1-800-FDA-0178; or by mail to MedWatch, Food and Drug Administration, HF-2, 5600 Fishers Lane, Rockville, MD 20857.

Getting more information: If you have questions regarding this letter, please contact, Marian Kroen, Office of Surveillance and Biometrics (HFZ-510), 1350 Piccard Drive, Rockville, MD 20850, by fax at 301-594-2968, or by e-mail at phann@cdhr.fda.gov. Additionally, a voice mail message may be left at 301-594-0650 and your call will be returned as soon as possible.

All of the FDA medical device postmarket safety notifications can be found on the World Wide Web at <http://www.fda.gov/cdrh/safety.html>. Postmarket safety notifications can also be obtained through e-mail on the day they are released by subscribing to our list server. You may subscribe at <http://list.nih.gov/archives/dev-alert.html>. You may also subscribe by sending an email to listserv@list.nih.gov. In the body of the text, type 'SUBSCRIBE DEV-ALERT firstname lastname'."

Sincerely yours,

/s/

David W. Feigal, Jr., MD, MPH

Director

Center for Devices and Radiological Health

Food and Drug Administration

*Reprinted by permission from a letter received from the Food and Drug Administration dated March 13, 2001. 🦷

ELECTRONIC PRESCRIPTION MONITORING TO TRACK DRUG-SEEKING PATIENTS

Sophisticated technology could allow a proposed computerized tracking system to link some 1,700 pharmacies throughout Tennessee. A task force, comprised of licensed representatives from those regulatory boards whose licensees have the authority to prescribe, was established in 1999 to study the proposal for bringing the technology to Tennessee.

The purpose of the monitoring system is to eliminate "doctor shopping" by patients who are seeking controlled substances for diversionary purposes, which can be for self-medication, use by family member or friend, or resale on the street. If the proposed "Controlled Substance Monitoring Act of 2001" is signed into law, Tennessee will join the other 18 states that have initiated the monitoring system to identify and alleviate drug-seeking patients. 🦷

TELEPHONE SYSTEM KEY TO VERIFYING CREDENTIALS OF EMPLOYEES

Employers take note. The Department of Health's automated telephone system is now a useful and inexpensive tool to verify whether or not your employees (or applicants for employment) can lawfully perform nitrous oxide monitoring and/or coronal polishing. The telephone number is toll free, and the only information you will need to provide is the employee (or applicant's) social security number *and* your facsimile number. Here's how:

- Dial 1-888-310-4650
- Listen to the entire first message. Listen for the "pause". Then, listen to the **second** message.
- "To obtain information regarding a health professional, such as. . dentist. .etc." [Press 1]
- "To verify the status of a license, or. . . ." [Press 1]
- "To search our database, you will need the Social Security Number of the health professional. To verify the license status, you can press 1, or visit...." [Press 1]
- "Please enter the person's Social Security Number" [Enter the SSN]
- [Verify SSN and Press 1, if correct]
- [Press 1 to ask for a fax. Enter your area code and fax machine number.]

Note: Modifiers, or "qualifications," are only provided on the facsimile copy, which will be faxed to you the same business day by following the above steps. ☺

"THREE YEAR RULE" FOR CONTINUING EDUCATION AND CPR RECORDS

Keeping records can be tedious, but invaluable to you during a Board audit, or if you find that you need to reinstate your license/registration. Currently, dentists and dental hygienists must secure 15 hours per calendar year and maintain continuous coverage in CPR training.

Proof of continuing education (copies of certificates, etc.) and your CPR card(s) must be maintained for a period of three years. During the 1998 audit, the Board defined "continuous coverage" for CPR certification to include a lapse of no longer than 30 days between the expiration of

one card and the issue date of the next card.

Registered dental assistants with coronal polishing certification must obtain seven hours of continuing education and maintain proof of continuous CPR certification during each calendar year. The same type of documentation and proof required of dentists and hygienists are also required of the registered dental assistant with coronal polishing certification.

If you file your CE hours and CPR certification documentation with a professional trade association, you have not filed this documentation with the Board's Office. The Board will not ask you for this information unless your name has been selected for an audit, or you are in the process of reinstating your license/registration.

For purposes of reinstatement, proof of continuing education hours and CPR certification may be required. If your license/registration was administratively revoked, you must maintain your continuing education hours and CPR certification, unless and until you file an Affidavit of Retirement. Should you desire to reinstate, you will be required to show proof of having obtained CE hours and CPR certification, in addition to other requirements of the Board.

For purposes of reactivating a license/registration that has been retired longer than two years, the Board may require you to be evaluated for continued competency. [After five years, additional requirements must be met.] However, if you have been actively practicing in another state or country during the time your Tennessee license was retired, you may ask for a waiver of the continued competency evaluation. ☺

BOARD MEETING DATES FOR YEAR 2001 9:00 a.m., Central Time

**May 10 and 11
September 20 and 21**

All meetings are held at the Board's office and are open to the public. Dates are subject to change, but are listed on the Board's website. In the event of an electronic meeting, a conference room is made available to the public and is the location from which the electronic meeting is conducted.

ADMINISTRATIVE REVOCATIONS TAKEN BY BOARD IN JANUARY, 2001

At its meetings, the Board, in addition to disciplinary actions for cause, makes other determinations that affect licensees. These actions include the granting of licenses and registrations and the ADMINISTRATIVE REVOCATION of licenses or registrations for those who fail timely to renew. The following actions were taken by the Board at its meeting in January, 2001:

Administrative Revocations

Dentists	-	17
Dental Hygienists	-	16
Dental Assistants	-	56

Notification letters were sent to each of these licensees/registrants by certified mail to inform them of the Board's action and that they could no longer lawfully practice their profession. [Employers need to verify that their employees are lawfully entitled to practice by logging onto the Board's website to verify that the licensee/registrant has an "active" licensure status, or by accessing the Department's automated phone system.]

To avoid having your name appear before the Board for administrative revocation [and in the Board's next newsletter], you must timely renew your license/registration. If you no longer desire to practice and do not want to renew your license/registration, you may execute an Affidavit of Retirement form and submit the form to the Board's Office. 🦷

CHANGING NAMES REQUIRES LEGAL DOCUMENTATION

It is not uncommon for the Board's Office to receive several name change requests each week, and the requests are usually filed incorrectly. The solution to remedy the incorrect filings is found in documentation.

To file a name change, the licensee (and sometimes an applicant in process) must forward a Change of Address/Name form (or in writing) to the Board's Office **with** the documentation that legally changed the person's name. For marriages, you must file a copy of the marriage certificate that bears the name (usually maiden name) on file with the Board. If you have obtained a divorce, you

must file a copy of the divorce decree (sometimes with the petition) **which evidences that a former name has been restored to you by the Court.**

You may also request a name change on your renewal form. 🦷

LICENSURE STATISTICS

	<u>Licensed in 2000</u>	<u>Total as of 1/31/01</u>
Dentists	- 107	3,225
Dental Hygienists	- 174	2,894
Reg. Dental Ass'ts.	- 396	3,679

RULE CHANGES TO BECOME EFFECTIVE ON MAY 28, 2001

The Attorney General has signed a set of rule changes, which will become effective on May, 28, 2001. Upcoming changes include the following:

- Rule 0460-4-.02 had no minimum age or general education requirements for applicants for dental assisting. The amendments establish a minimum age of 18 years and require either graduation from high school or the attainment of a general education development (g.e.d.) certificate.
- Changes have been made to the rules regarding dental assistants who are applying from out of state and dental professionals who are applying from outside of the country.
- Applicants for registered dental assisting must file their application, fees, and all documentation to make their application file complete within 90 days of course completion. This applies to graduates of ALL Tennessee schools. Application files that are not complete within 90 days will be **CLOSED**. If the application file is closed, the applicant must reapply and submit all new documents, including new fees. All applicants will have one year from course completion to become registered. Failure to become registered within that one year will cause the applicant to retake the registered dental assisting course. Failure to timely complete the application file does **NOT** extend the one year deadline. 🦷

SCHOOLS IN TENNESSEE REQUIRE A.D.A. ACCREDITATION OR BOARD APPROVAL

Are you or someone you know considering going back to school? If so, make sure that the school is accredited by the Commission on Dental Accreditation of the American Dental Association or has received approval (and maintains approved status) from the Tennessee Board of Dentistry to operate legally in the State of Tennessee.

In order to ascertain the status of any school or program for dental, dental hygiene, or dental assisting in Tennessee, check the Board's website for an accurate listing. If you are training in Tennessee and your school is not on the list, you will NOT qualify for licensure or registration. 🦷

COMPLIANCE WITH THE CENTERS FOR DISEASE CONTROL IS SERIOUS BUSINESS

Someone (patient or employee) in your office receives a sharps injury. What is your obligation?

The U.S. Centers for Disease Control and Prevention ("CDC"), located in Atlanta, is a primary source of information for dental practitioners and provides instructions on how to respond in these situations. The CDC guidelines have been adopted by the Division of Occupational Safety and Health of the Tennessee Department of Labor and Workforce Management. Ascertaining your level of compliance now with these regulations may allow you to react faster when injuries occur, or prevent exposure incidents altogether.

Recent inquiries to the Board's Office are on the rise, and all dental practitioners, especially those in private practice setting, may find the following points helpful:

- Employers are required to have a written Exposure Control Plan, which is to be made available to the employees, upon request. Among other requirements, the plan must identify those employees who have occupational exposure to blood or other potentially infectious materials ("OPIM") and must be updated annually.
- Initial and annual training (hazards associated with blood and OPIM and those protective measures which must be taken in order to reduce the risk of exposure) must be provided

to all occupationally exposed employees. Specifics are provided by the CDC.

- Employers are to offer the Hepatitis B vaccination series, at no cost to the "occupationally exposed employee", within ten working days of their initial assignment. The series must normally be offered during the employee's scheduled work hours. "At no cost" is carefully defined by the regulations. The employee may decline the offer, and the employer must document the declination.
- Employer may be exempted from offering the vaccination, if the employee has received the vaccination series, is a non-responder to the vaccine, or the vaccine cannot be taken due to medical reasons. This must be documented.
- A post-test for the antibody to Hepatitis B surface antigen is available, one to three months after the three-dose vaccination series.
- If an employee reports an exposure incident, the employer must make immediately available a confidential medical evaluation and follow-up for bloodborne pathogens, including any post-exposure prophylaxis where medically indicated. Confidentiality requirements do exist.
- Employer must ask for consent from the "source individual" (or anyone legally authorized to give consent) for the testing of the source individual's blood. (If consent is not given, the employer must document this in writing.) The results of such testing are subject to confidentiality requirements.
- OSHA requires the use of the most current guidelines of the Centers for Disease Control and Prevention which can be accessed at the CDC's website, <http://www.cdc.gov>.

These points are far from being all-inclusive, but are meant to inform all practitioners of the nature of the regulations. (Source: TOSHA Instruction CPL 2-2.36C, Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens Standard, 2/15/00)

You may also access the Division of Occupational Safety and Health, Tennessee Department of Labor and Workforce Development at www.state.tn.us/labor-wfd/tosha.html. You will have access to regulations, consultative resources, and complaint/inspection information through this website. 🦷



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**Tennessee Board of Dentistry
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